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The American Beverage Association

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE AMERICAN BEVERAGE  
ASSOCIATION, CALIFORNIA RETAILERS  
ASSOCIATION, CALIFORNIA STATE  
OUTDOOR ADVERTISING ASSOCIATION,

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN  
FRANCISCO,

Defendant.

CASE NO. 3:15-cv-03415-EMC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs The American Beverage  
2 Association, California Retailers Association, and California State Outdoor Advertising  
3 Association (“Plaintiffs”), and Defendant The City and County of San Francisco, hereby  
4 stipulate as follows:

5 WHEREAS, the Court scheduled a Case Management Conference for September  
6 7, 2017 (Dkt. No. 94);

7 WHEREAS, on July 31, 2017, this Case Management Conference was reset to  
8 September 28, 2017 (Dkt. No. 95);

9 WHEREAS, a Case Management Statement is due to the Court by September 21,  
10 2017 (Dkt. No. 95);

11 WHEREAS, on June 16, 2016, Plaintiffs American Beverage Association and  
12 California Retailers Association filed a Notice of Appeal of the Court’s May 17, 2016 Order  
13 Denying Plaintiffs’ Motion for Preliminary Injunction, and Plaintiff California State Outdoor  
14 Advertising Association filed a separate Notice of Appeal of the same order on that date;

15 WHEREAS, the parties presented oral argument to the U.S. Court of Appeals for  
16 the Ninth Circuit on April 17, 2017; and

17 WHEREAS, the parties are awaiting a decision by the U.S. Court of Appeals for  
18 the Ninth Circuit in the appeal in this case,

19 NOW, THEREFORE, in the interest of judicial economy and good cause  
20 showing, the undersigned parties, by and through their counsel of record, hereby agree and  
21 stipulate, and the Court hereby orders, as follows:

22 (1) The Case Management Conference, currently scheduled for September 28,  
23 2017 at 10:30 a.m., shall be continued to at least two weeks following a decision by the Ninth  
24 Circuit, at a date and time convenient for the Court; and

25 (2) The parties shall submit a Joint Case Management Statement by one week  
26 prior to the Case Management Conference.

27 The parties respectfully request that the Court enter an Order approving this  
28 Stipulation.

1 IT IS SO STIPULATED.  
2

3 Dated: September 12, 2017

Respectfully submitted,

4 LATHAM & WATKINS LLP

5  
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Dated: September 12, 2017

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**ATTESTATION CLAUSE**

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that I obtained in the filing of this document the concurrence from all parties whose electronic signatures appear above.

Dated: September 12, 2017

**LATHAM & WATKINS LLP**

By: /s/ Marcy C. Priedeman  
Marcy C. Priedeman

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** The 9/28/17 further cmc  
is reset for 3/29/18 at  
10:30 a.m. Updated  
DATED: 9/18/17  
Hon. Edward M. Chen  
District Judge

